

PEOPLE AGAINST RADIOACTIVE DUMPING

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Ms. Wendy R. Dixon, DEIS Program Manager
U. S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P. O. Box 30307, M/S 010
North Las Vegas, NV 89036-0307

COMMENTS: DOE/DEIS-0250-D YUCCA MOUNTAIN DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS).

PARD OPPOSES PLANS TO SHIP NUCLEAR WASTE, YUCCA MT. DUMP 10CFR963.
PARD DEMANDS EXTENSION AND HEARINGS IN AFFECTED COMMUNITIES.
PARD DEMANDS REDRAFT AND RECIRCULATION OF PROGRAMMATIC NUCLEAR WASTE MANAGEMENT DEIS/YUCCA MT. DEIS

Dear Ms. Dixon;

- 1 [People Against Radioactive Dumping (PARD) opposes further expenditures of public funds to enable the proposed Yucca Mountain nuclear dumping project to proceed. Both the Draft Environmental Impact Statement (DEIS) and the proposed rulemaking on 10CFR963 are enabling the Yucca Mountain project to continue while spending public funds without a vote of the people.]
- 2 [PARD is opposed to both the Yucca Mountain Project and the enabling regulation, 10CFR963 which sets for the criteria which allows Yucca Mountain to be considered "suitable" for the purpose of dumping mass quantities of high level nuclear waste. Our opposition to this Yucca Mountain proposal and 10CFR963 is set forth herein:

PARD represents 25,000 San Bernardino County residents who have signed our petitions to 1) require the responsible management of nuclear materials and 2) rewrite the nuclear waste management laws to reflect an honest classification of what is really being proposed for management, 3) manage nuclear waste according to longevity and level of toxicity/radioactivity—not by who produces/generates it or by where it comes from. In other words, it does not matter who makes it or where it comes from, the waste needs to be classified and managed according to how dangerous it is and how long that danger will last.]

- 3... A. [Your "Programmatic Waste Management DEIS" fails to reflect the diversity of nuclear waste and the fact that we need a new classification system. The DEIS fails to address the issue that nuclear materials are more safely stored on site until decay, according to its classification as an element or isotope. An entire rewrite of the entire national management policy in Washington D. C. must exact the management for various isotopes depending upon specific "radioactivity" or decay life. Even in our own homes, we separate the brown bottles from the clear bottles—the nuclear industry must approach the various elements and isotopes the same way. No further expenditures should be made or rulemaking imposed regarding nuclear waste disposal plans until after the entire National Policy on nuclear waste management can be reviewed and revised by a Blue Ribbon Commission as per proposed SBA 540.

3 cont.

Currently, our nation's nuclear waste is misclassified and much of the so called "low level nuclear waste" should in reality be included in any management proposal for "high level nuclear waste and/or mixed waste." The classification wording "high" and "low" level waste is deceitful and misleading. The same isotopes are included in both waste forms—"high level" waste can become "low level" simply by mixing and diluting the shipment. Your representative at the 2/22/00 hearing in San Bernardino claimed that there would be no "liquid" waste, but when she says this, she mislead the public. The DOE should be honest with the public and letting the public know that they mean something else. The drums or casks or shipment containers can have so much percentage liquid and still not be called liquid waste. The DOE can allow the liquid waste to be sopped up with toilet paper or whatever and not call it liquid. This is a classification problem.

- 4 B. Your DEIS fails to address the entire issue of liability and the cost to the taxpayer of assuming the liability of "civilian" waste. Your DEIS should be forthright and honestly reveal to the public who really benefit from the massive shipment plan. The DEIS should admit that the shipment plan is not for the benefit of the health and safety of the citizen, nor is it for the benefit of the taxpayer. You should admit that the beneficiaries of the shipment plan is the nuclear waste generators and their pocketbooks.

The shipment plan takes the liability monkey from the generator and heaps it on the back of the taxpayer. The taxpayers will be forced to pick up the cost of liability for the deaths, mutations and cancers that are caused by any accidents, spills, leaks, sabotage, terrorist attacks, spontaneous combustion, mistakes associated with shipping, storing, maintaining and monitoring this highly lethal and volatile nuclear waste, forever. PARD OBJECTS TO DOE'S YUCCA MOUNTAIN PLAN.

- 5 C. PARD asked to be included on the DOE's mailing list when PARD's Director, Ruth Lopez signed up at the DOE's annual conference in November of 1998. Why did you ignore us and not send us a copy of the Draft Yucca Mountain DEIS or apprise us of its existence? You knew that we were the local grassroots organization in Needles and San Bernardino County, California and Ruth Lopez has even visited your office in Las Vegas. Our organization has not had 180 days to review the DEIS since we only heard about the DEIS after the San Bernardino Sun ran an article about it in January. We need at least until May to review both the DEIS and the 10CFR963 and to have time for our organization to meet and discuss this issue. We would like the DOE to pay for the cost of our review of your plans and for our organizational meeting to discuss the proposal as you apparently pay private organizations to do.

- 6... Upon a cursory review of your Draft DEIS it became apparent that if the DOE intends to go forward with this, DOE needs to rewrite and circulate the DEIS because it is inadequate, deficient and fatally flawed in the following ways:

1. No Evacuation Plan or Contingency Plan has been proposed and no alternative

6 cont.

routes across the California Desert Conservation Area (the East Mojave) and through Needles, California have been assessed. This is akin to putting in a huge housing development in, with only one road to go in and out on and no fire escape route. Obviously, if alternate routes are assessed for this major proposal of massive shipments of the most lethal materials known to humanity, the DOE would be forced to include California Environmental Quality Act (CEQA) regulations and write a Environmental Impact Report meeting the requirements of CEQA regulations. In other words, your DEIS should be an DEIS/R. It is no wonder that you held only one meeting in LonePine, California. The DOE was obviously playing hide and seek from the People of the State of California.

7 As you heard on Tuesday, 2/22/00 at the hearing in San Bernardino, our California Governor's office, the State Departments and the County have found the Yucca Mt. DEIS document to be inadequate and deficient. The document is so deficient that it needs to be redrafted and recirculated.

Clearly, a rewrite is needed to address alternative routes that should have been included in the DEIS, for example, there are no alternate routes proposed for the area between Barstow and parts east. If the railroad line is closed down for some reason in the Needles area, what will be done with the shipment. Will roads be used? If so, alternate routes must be assessed. The routes through Nevada are no longer considered alternatives due to pressure from people in Nevada. So they forced a single funnel through Needles and left Needles totally out of the hearings. This is unacceptable and **a clear case of environmental injustice.**

8 2. Your DEIS does not assess the potential adverse impact upon adjacent property and property owners who will be impacted by this proposal. The lands and the life living on those lands, managed by the Bureau of Land Management, by the States of California and Arizona, the County of San Bernardino, by the local cities of Flagstaff, Seligman, Williams, Kingman, Topock, Needles, Barstow, San Bernardino, Fontana, Rialto, Colton, Upland, Rancho Cucamonga and on and on throughout California will be impacted by derailments, delays, and dangerous road crossings.

9 What if the narrow railroad bridge across the Colorado River adjacent to the Federal Wildlife Preserve, collapses under the weight of the heavy high level nuclear waste shipments? Your DEIS is inadequate deficient because it does not address the issue of reinforcing that bridge or cleaning up potential spills into the Colorado River, or how to prevent attacks on that bridge. What is the contingency plan if the train derails on the bridge or the casks fall into the Colorado River and destroys the drinking water of millions of people?

10... What about the crossing of the vast East Mojave wilderness managed by the Bureau of Land Management and the National Park Service? The DEIS fails to address the issue of terrorist attacks in the East Mojave, the impact of spills in the East Mojave National Preserve. I have questioned the BLM with regard to their role in the review of the

11... subject DEIS. They claim to have no management authority over the railroad right-of-

11 cont. way. The DEIS needs to address this issue and to identify the roles of the agencies
 10 cont. which manage the lands adjacent to and under the railroad tracks. These lands could
 be directly and indirectly impacted by the accidents, derailments, spills, crashes,
 mishaps, terrorists attacks, breaches in containers, etc. What alternate routes would
 be used that would impact operations in the East Mojave National Preserve? How are
 agencies prepared to manage nuclear waste spills and accidents and cleanups? How
 will they manage visitors in the area?

12 These federal agencies, the BLM and NPS need to deal with these issues in the body
 of the draft DEIS, not just standby and wait to comment. The Department of the Interior
 and the Department of Energy should both be involved with the development of a
 management plan for nuclear waste. The Nuclear Regulatory Commission (NRC)
 should also be signatory to any Nuclear Waste Management Plan that is approved. By
 no means should the DOE be running this program solo. A solo run program by the
 DOE can only mean one thing: lopsided interests of the nuclear industry being served
 at great cost to the taxpayer. As per the National Environmental Policy Act, the
 affected governmental agencies must concur with the findings and determinations—the
 NRC and the Department of Interior must all be signatory as well as the States that will
 be directly and indirectly impacted.

13 The public has not heard from the governmental agencies as to what they would do in
 case of an accident, derailment, delay or terrorist attack and we do not know what their
 contingency or evacuation plans would be or even if they have any. Further, the DOE
 makes no provision for contingency and evacuation plans and has not worked closely
 with the local governments and public to formulate policy and plans dealing with
 14 potential terrorist threats, accidents, derailments or delays. The proposed action
 analyzed in the Yucca Mt. DEIS is really scary and irresponsible and the DOE is guilty
 of frightening (terrorizing) the public with it.

15 3. The California public was not informed about the Lone Pine hearing and even if we
 did know about it, it would have been too far away for most of the public to travel to.
 The Federal Hearings on the proposed High Level Nuclear Waste Transportation and
 Storage Project proposed for Yucca Mountain, held on February 22, 2000 at the
 Radisson Hotel in downtown San Bernardino was four hours away for many San
 Bernardino County residents. San Bernardino is a large County, larger than many
 states, and we were forced to travel a long distance. (We should be compensated for
 16... our travel expenses). The DOE neglected to hold accessible regional hearings in
 communities that would be adversely impacted by this project. Our elected officials
 must hold their agents accountable for leaving affected communities out of the hearings
 which is the same as snubbing, ignoring and being rude to the public who they are
 supposed to serve.

We want an extension on the comment period to at least May, 2000 and hearings in
 Flagstaff, Seligman, Williams, Kingman, Yucca, Topock, Lake Havasu City, Havasu
 Landing, Parker, Arizona and in Needles, Barstow, Fontana, Upland, Rialto, California.

16 cont. These are large communities/Cities along the proposed high level waste transportation corridor or down river from the railroad crossing where the high level waste is to be hauled by train on a little narrow railroad bridge crossing the Colorado River. Laughlin, Nevada and Bullhead City, Arizona would also be impacted because they are undoubtedly on a necessary alternate route. The DOE has ignored these communities and our elected officials, with their hardened hearts have neglected their constituents whom they were elected to represent.

17 PARD is opposed to any shipment plan because it is more dangerous to ship the waste than
18 to store it on site where it is generated. If the casks are so safe as the DOE officials have made claim, then generators should put the waste in the casks and store them on site where it is generated, or else, don't generate it.

19 The DOE had meetings in all of these out of the way places in Nevada: Amargosa Valley, Pahrump, Goldfield, Ely, Caliente, Reno, Carson City, Austin, Crescent Valley. The DOE also held hearings in Boise, Idaho; College Park, Georgia, Washington D. C.; Denver, Colorado, Las Vegas, Nevada; Salt Lake City, Utah; St. Louis Missouri; Lincoln Nebraska; Cleveland, Ohio, and Chicago, Illinois. But no hearings were held in Arizona or California except in the little out of the way town of Lone Pine.

Then just one week ago a hearing was finally held in the City of San Bernardino, which is much too far away for the people in Needles and Arizona to attend. So with just one week to digest what the DOE had to say, we are required to have our comments in. The public has not been provided adequate time to review and digest the magnitude of the potential adverse impacts of this major federal national program/project of massive shipments of the most lethal, volatile materials on earth because the opportunity to comment was hidden from us by the DOE. The lack of legal notices and announcements in local newspapers early on in the review period, violates the spirit of the law to afford the public adequate time to respond with comments.

20 4. Your DEIS fails to take into consideration local decisions against the shipment plan. For example, the Needles City Council unanimously voted at their meeting on 1/12/99 to develop a resolution similar to the one the Ft. Mojave Tribal Council passed about the same time, opposing the DOE's proposed "intermodal transportation" of radioactive/nuclear waste through Needles. Further, the City of Needles local ballot includes a voter initiative "Nuclear Free Needles" which if passed will prohibit nuclear waste haulers from using City streets and thoroughfares. The public was overwhelmingly supportive of this initiative measure with the vast majority, almost 500 voters in this small town, signing to get the petition on the
21 ballot. What happens if the rail line fails at the Needles depot. Will the DOE violate local laws to push the waste through our streets?

22 5. More proof is needed that the shipment casks are "invincible" as the DOE claims. If they
23... are so safe, as the DOE officials have promoted, then the DOE should address the issue of storing waste in shipment casks on site where it is generated. PARD demands to know exactly how many REMs are being emitted from the casks and what the effect of the

- 23 cont. exposure would be upon people working at the downtown Needles depot and to the people living on California Avenue and Front Street. The change over at the Needles depot is likely to be long, with security personnel, engineers, and conductors switching and with fueling.
- 24 Mitigation measures are lacking. The DOE does not propose to move the people living in harms way. The DEIS should have addressed the issue of buying the homes along the railroad and helping the people to move if the DOE is going to implement this kind of disruptive, potentially dangerous nuclear waste shipment plan.
- 25 6. [If storing the waste in casks on site is an alternative, then it should have been addressed in the DEIS. And if it is an alternative, why did the DOE waste so much money on writing this DEIS? PARD demands a complete disclosure of the costs of this DEIS including, allocations already made to prepare for "intermodal transfers" and fund promises made (to
- 26 government officials, private individuals, etc.). The San Bernardino County Association of Governments has been receiving "intermodal" funding for about a year now. The first time PARD heard the term "intermodal" was in connection with nuclear waste shipments at the DOE annual conference in Salt Lake City in 1998. Was is the connections between "intermodal" funding for the Needles depot ("El Garces Harvey House") and the DOE? Were DOE funds routed through the State Department of Transportation and on to SANBAG and the City of Needles for the preparation of an "intermodal" nuclear waste transfer station where
- 27 waste from the Palo Verde Nuclear reactor would be boarded on trains? The DOE failed to discuss exactly how the Needles depot will be used, and we want this issue addressed; will Palo Verde nuclear waste be trucked to Needles depot and boarded on trains to Yucca Mountain. The corridors from Palo Verde to Needles, I-10, I-40, Hwy 95 through California and Arizona were also left out of the Yucca Mountain assessment .]
- 28 7. [The DOE has engaged in a callous disregard for the truth; no where in the title of the document is the word "nuclear" or "radioactive." An honest title for the DOE's proposed alternatives would be the **"National Nuclear Waste Dumping Scheme DEIS."** DOE continues to engage in a callous disregard for the truth via tactics of "half truths" and
- 29 "cover-ups." The transportation accident record of the DOE was covered up by an official at the DOE's annual conference in November of 1998. The official represented that transportation was safe by stating that there were no "releases" for Type B packages but when PARD asked, the official would not give the statistics for the Type A and "Strong type" packages until after the meeting. After the meeting, he admitted that out of 388 accidents involving radioactive waste, there were 455 releases. These releases were again covered up at the San Bernardino hearing on 2/22/00.]
- 30 [We object to any further public fund allocations or promises associated with the Yucca Mt. DEIS or proposed project including funding for the Alameda Corridor. The DOE needs to go back to the drawing board, and get out of the business of nuclear waste dumping. Let the Nuclear Regulator Commission manage the problem of existing waste and let them force the
- 31 industry to clean up their own act. The only funds that should have ever been spent are with regard to this project are, perhaps, the funds to assess the health and safety risk of producing nuclear waste. This study would have shown that nuclear plants must be immediately replaced by safe forms of energy production such as hydrogen fuel from green algae, wind and solar.]

AP NEWS SERVICE 2/22/00
IN SAN BERNARDINO COUNTY SUN
BUSINESS SECTION

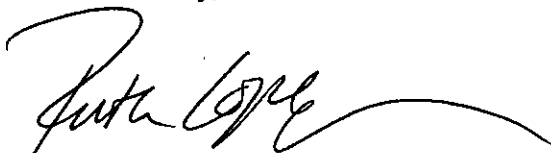
"LOWLY POND SCUM HOLDS PROMISE AS ENERGY SOLUTION"

- 32 The DOE should be acting in a manner consistent with the State of Kansas which is responsibly
storing nuclear waste on site with the understanding that stabilization and neutralization
33 processes will be forthcoming in the not to distant future. Also, in Massachusetts, waste
minimization programs have now been put in place. If waste producers can be forced to store
their waste on site, the industry will be discouraged from building more reactors and creating
more waste. Providing the nuclear industry and the DOE with a cheap, irresponsible place to
dump their massive waste problem, only encourages them to produce more waste at the
expense of the health and safety of the American public.
- 34 The United States must get out of the business of producing massive quantities of enriched
uranium (U. S. Enrichment Corporation) and selling it overseas. This act is akin to producing
tobacco for foreign sales. You are hurting the children and the future of mankind. You know
that it is harmful to the health so stop producing it and stop selling it overseas. Nuclear activist
Jeff Wright exposed what the U.S. Enrichment Corporation is doing and this friend of PARD's
is in jail today because our government has denied him his right to speak and redress the
government over these issues, using as their excuse "meeting disruption" when he inadvertently
goes over the meager "three minutes" which the officials allows citizens in this San Bernardino
County to redress government.

FREE JEFF WRIGHT - FREE PUBLIC REDRESS
DEATH TO THE U.S. (URANIUM) ENRICHMENT CORPORATION

- 35 The DOE must address the issue of security and the fact that "no place is a secure place for the
storage of high level nuclear waste for millions of years." Your DEIS has not convinced us that
Yucca Mountain is any more secure than Bunker Hill. The DOE must respect the State of
Nevada's wishes—no more nuclear waste here. The action alternative of telling the nuclear
industry: "you made it, you keep it" is the only alternative. The only thing that needs to
be dumped are the DOE's plans to ship waste and dump the liability on the taxpayers.

Submitted by,



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